UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

In Re: PHARMACEUTICAL INDUSTRIES AVERAGE WHOLESALE PRICE LITIGATION))))	MDL No. 1456 Master File No. 01-CV-12257 Subcategory Case. No. 06-11337
)	
THIS DOCUMENT RELATES TO:) *U.S. ex rel. Ven-A-Care of the Florida Keys,*) *Inc. v. Dey, Inc., et al.*))	Hon. Patti B. Saris
Civil Action No. 05-11084-PBS))	

**DEFENDANTS DEY, INC., DEY, L.P., AND DEY L.P., INC.'S
UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY IN FURTHER
SUPPORT FOR ITS MOTION TO EXTEND THE DEADLINE FOR
THE LIMITED PURPOSE OF RECEIVING MEDICAID
CLAIMS DATA FROM STATES**

Pursuant to Rule 7.1(b)(3) of the Local Rules for the District of Massachusetts,

Defendants Dey, Inc., Dey, L.P., and Dey L.P., Inc. (collectively, "Dey"), seek leave of the Court

to file a reply in further support of its Motion to Extend the Deadline for the Limited Purpose of

Receiving Medicaid Claims Data From the States. Counsel for Dey has conferred with counsel

for Plaintiffs, who has indicated that Plaintiffs consents to this motion. The proposed

Memorandum of Law in Further Support to Extend the Deadline for the Limited Purpose of

Receiving Medicaid Claims Data From the States and supporting Declaration are annexed hereto

as Exhibits 1 and 2, respectively.

Dated: January 6, 2009

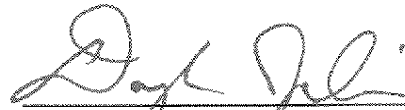Respectfully Submitted,

KELLEY DRYE & WARREN LLP

By: /s/ Neil Merkl
    Paul F. Doyle (BBO # 133460)
    Sarah L. Reid *(pro hac vice)*

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Attorneys for Defendants Dey, Inc.
Dey, L.P., and Dey, L.P., Inc.

LOCAL RULE 7.1 CERTIFICATION

I certify that, on December 23, 2008, I consulted with counsel for Plaintiffs, who indicated that Plaintiffs consented to this motion.

Douglas E. Julie

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on January 6, 2009, a copy to LexisNexis File & Serve for posting and notification to all parties.

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/s/ Neil Merkl

Neil Merkl

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